

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TRUSTEES OF THE PLUMBERS)	
AND STEAMFITTERS UNION)	
LOCAL NO. 10 APPRENTICESHIP)	
FUND,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 3:24-cv-00180
)	
)	
VICTORIA NAPKY,)	
)	
Defendant.)	
)	

MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

COMES NOW Defendant Victoria Napky, by counsel and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and moves this Court to dismiss the Amended Complaint (ECF No. 13) of Plaintiff Trustees of the Plumbers and Steamfitters Union Local No. 10 Apprenticeship Fund (“Plaintiff”) in its entirety, as it fails to state a claim upon which relief can be granted and, as to any remaining state law claims, for lack of jurisdiction pursuant to Rule 12(b)(1). The specific grounds for this Motion are set forth in detail in the accompanying Memorandum of Law in Support of Motion to Dismiss Plaintiff’s Amended Complaint.

WHEREFORE, Defendant respectfully requests that this Court enter an Order granting her Motion to Dismiss and dismissing the Amended Complaint, and for such other relief as the Court deems just and proper.

DEFENDANT'S POSITION REGARDING HEARING ON MOTION

Defendant asserts that the issues presented in this Motion are purely legal and does not request oral argument of the Motion. However, if the Court finds that a hearing will aid the decisional process, Defendant would be eager to participate.

Respectfully Submitted,

/s/ Mark J. Passero

Mark J. Passero (VSB No. 90463)

D. Scott Laws (VSB No. 99436)

LawrenceQueen

701 East Franklin Street, Suite 700

Richmond, Virginia 23219

Telephone: (804) 643-9343

Facsimile: (804) 643-9368

mpassero@lawrencequeen.com

slaws@lawrencequeen.com

Counsel for Defendant

CERTIFICATE OF SERVICE

On this 31st day of May 2024, I certify that the foregoing document was served via the Court's ECF system upon all counsel of record, including the following:

Jacob N. Szewczyk, Esq. (VSB No. 89617)
Charles W. Gilligan, Esq. (admitted pro hac vice)
Sumbul I. Alam, Esq. (pro hac vice forthcoming)
O'Donoghue & O'Donoghue LLP
5301 Wisconsin Avenue NW, Suite 800
Washington, DC 20015
Telephone (202) 362-0041
Facsimile (202) 362-2640
jszewczyk@odonoghuelaw.com
cgilligan@odonoghuelaw.com
salam@odonoghuelaw.com

Counsel for Plaintiff

/s/ Mark J. Passero

Mark J. Passero (VSB No. 90463)
D. Scott Laws (VSB No. 99436)
LawrenceQueen
701 East Franklin Street, Suite 700
Richmond, Virginia 23219
Telephone: (804) 643-9343
Facsimile: (804) 643-9368
mpassero@lawrencequeen.com
slaws@lawrencequeen.com

Counsel for Defendant